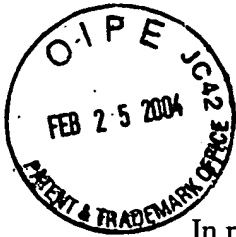


RAL9-2000-0034US1

PATENT

#3/3/04
#6/4



- 1 -

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	:	Before the Examiner:
Gerken et al.	:	James S. McClellan
Serial No.: 09/672,435	:	Group Art Unit: 3627
Filed: September 28, 2000	:	
Title: CUSTOMER CHECKOUT ACCELERATOR	:	IBM Corporation P.O. Box 12915 Dept. 9CCA, Bldg. 002 Research Triangle Park, NC 27709

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

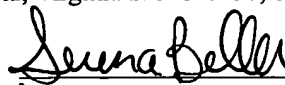
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I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corporation, which is the assignee of the entire right, title and interest in the above-identified patent application.

CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on February 23, 2004.



Signature

02/27/2004 JADD01 00000086 500563 09672435
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Serena Beller

(Printed name of person certifying)

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, Appellants' legal representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-45 are pending in the Application. Claims 9-10, 12-14, 31-32 and 34-36 are allowable. Claims 1-8, 11, 15-30, 33 and 37-45 stand rejected.

IV. STATUS OF AMENDMENTS

The Appellants' response to the Office Action having a mailing date of October 16, 2003, has been considered, but the Examiner indicated that it did not place the application in condition for allowance because the Appellants' arguments were deemed unpersuasive.

V. SUMMARY OF INVENTION

Merchants are continuously looking for ways to speed up the checkout process in retail establishments. Specification, page 1, lines 15-16. A simple saving of a few seconds for each transaction can result in major savings when the seconds are applied to the hundreds or thousands of checkout lanes that may exist across all the retail stores of an enterprise. Specification, page 1, lines 16-18.

That problem that exists today is that the checkout process is very heavily loaded on the back-end, specifically, the payment side of the sales transaction. Specification, page 1, lines 19-20. Over the years, improvements have been made in the front-end of the sales process with the innovation of scanners, etc., but there is still much room for improvement in the payment area of the sales process. Specification, page 1, lines 20-22.

In retailing technology, there are now many technology innovations that can enhance the customer checkout process. Specification, page 1, lines 23-24. These include touch screen displays, Java-based graphical terminal sales applications, etc. Specification, page 1, lines 24-25. Java-based graphical terminal sales applications include a Java-based customer graphical user interface (GUI) that is basically a read-only device used to display details of a sales transaction to the customer as it is occurring in real time, as well as optionally displaying advertising data to the customer. Specification, page 1, lines 25-27. In addition, there is currently an increasing trend in the use of customer loyalty cards. Specification, page 2, line 1. There is also a further technology trend to combine the multiple loyalty cards with a credit card, onto a smart card. Specification, page 2, lines 1-2. Versions of the "combination-loyalty cards" are already in use in several areas of the country. Specification, page 2, line 3.

There is a need for a system to enhance the payment processing in retail stores. Specification, page 2, line 4. Such a system will reduce the amount of time it takes to process a retail sales transaction, Specification, page 2, lines 4-5. Such a solution can be taking the existing state-of-the-art technologies, e.g., touch screen, smarts, Java-based applications, and combining them into an application and system that reduces the amount of time it takes to complete each retail transaction. Specification, page 2, lines 5-8.

The problems outlined above may at least in part be solved in one embodiment of the present invention by having a device that functions to preapprove the payment for a retail sales transaction prior to the actual ringing of the transaction. Specification, page 2, lines 11-12. In effect, it decouples the existing time consuming payment process occurring at the back-end of the sales transaction and thereby improves the overall checkout time. Specification, page 2, lines 12-14.

The present invention is a customer checkout accelerator interactive application whose primary purpose is to preapprove credit payment options or other electronic non-cash payment options before the customer actually gets to the checkout station. Specification, page 2, line 20 – page 3, line 3. In one embodiment, the customer checkout accelerator operates on retail systems that use touch screen displays. Specification, page 3, lines 3-4. In one embodiment, the customer checkout accelerator includes a Java-based interactive application that reads the selected payment preapproval options from the touch screen display and has the capability to read the input from a smart card reader. Specification, page 3, lines 5-6. The combined use of these technologies integrated into a payment preapproval application and system provides a new function for consumers with the positive side effect of reduced checkout time for both the retailer and the consumer. Specification, page 3, lines 6-9.

A benefit of the present invention is that payment preapprovals can be performed during customer idle periods while standing in lines that can queue up to n-levels deep, in parallel with the terminal sales application processing other applications. Specification, page 3, lines 10-12. Another benefit of the present invention is that it can result in improved customer satisfaction, resulting from an overall shorter waiting time to complete a sales transaction. Specification, page 3, lines 12-13.

VI. ISSUES

A. Are claims 1-5, 8, 11, 24-28 and 33 properly rejected under 35 U.S.C. §102(b) as being anticipated by Bigari (U.S. Patent No. 5,010,485) (hereinafter "Bigari")?

B. Are claims 6, 7, 29 and 30 properly rejected under 35 U.S.C. §103(a) as being unpatentable over Bigari in view of Official Notice?

C. Are claims 15-23 and 37-45 properly rejected under 35 U.S.C. §103(a) as being unpatentable over Bigari in view of Trotta, Jr. (U.S. Patent No. 5,595,264)?

VII. GROUPING OF CLAIMS

Claims 1, 5, 8 and 24 form a first group.

Claims 2, 3, 4, 25, 26, 27 and 28 form a second group.

Claims 11 and 33 form a third group.

Claims 6 and 29 form a fourth group.

Claims 7 and 30 form a fifth group.

Claims 15 and 37 form a sixth group.

Claims 16, 21, 38 and 43 form a seventh group.

Claims 17, 22, 39 and 44 form an eighth group.

Claims 18 and 40 form a ninth group.

Claim 19 and 41 form a tenth group.

Claims 20 and 42 form an eleventh group.

Claims 23 and 45 form a twelfth group.

The reasons for these groupings are set forth in Appellant's arguments in Section VIII.

VIII. ARGUMENT

A. Claims 1-5, 8, 11, 24-28 and 33 are not properly rejected under 35 U.S.C. §102(b) as being anticipated by Bigari.

The Examiner has rejected claims 1-5, 8, 11, 24-28 and 33 under 35 U.S.C. §102(b) as being anticipated by Bigari. Paper No. 9, page 2.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. §2131.

Appellants respectfully assert that Bigari does not disclose "storing the approval amount in a preapproval cache at a point of sales terminal for use in completing the sales transaction" as recited in claim 1 and similarly in claim 24. The Examiner states that it is inherent for Bigari to store an approval amount in a preapproval cache at a point of sales terminal for use in completing the sales transaction. Paper No. 9, pages 2-3. Appellants respectfully traverse that it is inherent for Bigari to store an approval amount in a preapproval cache at a point of sales terminal for use in completing the sales transaction. Appellants note that when relying upon a theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, in order for the Examiner to establish inherency, the Examiner must provide extrinsic evidence that must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Inherency, however, may not be established by probabilities or possibilities. *Id.* The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *Id.* Therefore, the Examiner must support the inherency argument with objective evidence meeting the above requirements. As the Examiner has not provided any objective evidence supporting his inherency arguments, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 1 and 24. M.P.E.P. §2131.

The Examiner further cites column 10, lines 11-40 of Bigari as disclosing the above-cited claim limitation. Paper No. 9, page 6. Appellants respectfully traverse

and assert that Bigari instead discloses a system and method for processing charge vouchers against charge card accounts administered by a host institution that issues an approval/disapproval to a merchant for a proposed transaction. Abstract. Bigari further discloses the host verifies the credit limit of the customer account to ascertain availability of funds. Abstract. Bigari further discloses that if the host approves the proposed transaction, the maximum charge amount is reversed and an approval signal is sent to the processor; if the host does not approve the transaction, a disapproval signal is sent. Abstract. Bigari further discloses that the processor stores the transaction data and causes a printer to produce a voucher good for the maximum charge amount upon receipt of the approval signal. Abstract. Bigari further discloses that when the customer reaches the point of the purchased sale, the voucher is inserted in a voucher reader to be read. Column 6, lines 14-16. Bigari further discloses that the reading of the voucher inputs the account identification data and the maximum charge amount into the cash register processor. Column 6, lines 16-19. Bigari further discloses that the customer then initiates a purchase of goods or services which results in a purchase amount for the transaction. Column 6, lines 19-21. There is no language in Bigari of storing a preapproval amount in a cache. Appellants performed a search of the term "cache" in Bigari and were unable to identify the term "cache" or any variation thereof. Thus, Bigari does not disclose all of the limitations of claims 1 and 24, and thus Bigari does not anticipate claims 1 and 24. M.P.E.P. §2131.

Appellants further assert that Bigari does not disclose "the act of transmitting the preapproval amount from the customer checkout accelerator to a store controller" as recited in claim 2 and similarly in claim 25. The Examiner cites telephone transmitter/receiver 16, the paragraph bridging columns 9 and 10 of Bigari as well as microprocessor 12 of Bigari as being the store controller. Paper No. 9, pages 3 and 6. Appellants respectfully assert that the Examiner cannot cite microprocessor 12 for being both the customer checkout accelerator and a store controller. The Examiner

cites the payment voucher processing apparatus 10 that includes microprocessor 12 as being a customer checkout accelerator in his rejection to claims 1 and 24. Paper No. 9, page 2. The Examiner has now cited microprocessor 12 as being a store controller. Paper No. 9, page 6. Microprocessor 12 cannot both be a store controller as well as within the customer checkout accelerator. As indicated in the terminology of claims 2 and 25, a customer checkout accelerator is separate from a store controller. Thus, Bigari does not disclose all of the limitations of claims 2 and 25, and thus Bigari does not anticipate claims 2 and 25. M.P.E.P. §2131.

Furthermore, Bigari instead discloses that microprocessor 12 may be placed in communication with a host institution 14 by means of a transmitting means and a receiving means such as a telephone transmitter/receiver 16. Column 6, lines 28-31. Bigari further discloses that microprocessor 12 instructs an autodialer 18 to activate telephone 16 so as to open communication line 20 to host institution 14. Column 6, lines 31-33. Hence, transmitter/receiver 16 is used for transmitting to the host institution and not to a store controller. Thus, Bigari does not disclose all of the limitations of claims 2 and 25, and thus Bigari does not anticipate claims 2 and 25. M.P.E.P. §2131.

Further, Bigari instead discloses a point of purchase station 31 that may include a cash register processor 32 which is linked by communication line 33 to microprocessor 12. Column 9, lines 59-61. Bigari further discloses that cash register processor 32 is linked to a voucher reader 34 which can scan a voucher printed by voucher printer 30 to derive account identification data and maximum charge data from the voucher. Column 9, lines 61-65. Bigari further discloses that voucher reader 34 provides input to cash register processor 32 of this data. Column 9, lines 65-66. Hence, Bigari discloses reading the maximum charge data from the voucher. However, there is no language of transmitting this information to a store controller. Thus, Bigari does not disclose all of the limitations of claims 2 and 25, and thus Bigari does not anticipate claims 2 and 25. M.P.E.P. §2131.

Appellants further assert that Bigari does not disclose "the act of printing a sales transaction receipt and a credit or debit voucher" as recited in claim 11 and similarly in claim 33. The Examiner cites column 8, lines 49-52 as disclosing the above-cited claim limitation. Paper No. 9, pages 3 and 7. Appellants respectfully traverse and assert that Bigari instead discloses that microprocessor 12 commands voucher printer 30 to generate the voucher according to the approve transaction with voucher printer 30 preferably producing duplicate printed credit receipts A, B. Column 8, lines 10-14. Bigari further discloses that the customer may sign receipts A and B and when this occurs, the voucher becomes valid for a purchase amount up to the maximum charge amount which is shown thereon. Column 8, lines 14-17. Bigari further discloses that to this end, it is preferred that both receipts A, B which comprise the voucher include both account identification data as well as the maximum charge amount permitted. Column 8, lines 17-20. Bigari further discloses that if the purchase amount exceeds the maximum charge amount, a new purchase amount must be initiated until such time that the purchase amount is less than or equal to the maximum charge amount. Column 8, lines 43-46. Bigari further discloses that when this occurs, the purchase is executed and the voucher is updated. Column 8, lines 46-49. Bigari further discloses that the customer receives the updated receipt B while the merchant retains updated receipt A. Column 8, lines 49-52. Hence, Bigari only discloses receipts A and B which comprise the voucher but does not disclose a sales transaction receipt. Thus, Bigari does not disclose all of the limitations of claims 11 and 33, and thus Bigari does not anticipate claims 11 and 33. M.P.E.P. §2131.

As a result of the foregoing, Appellants respectfully assert that not each and every claim limitation is found within Bigari, and thus claims 1-5, 8, 11, 24-28 and 33 are not anticipated by Bigari. M.P.E.P. §2131.

B. Claims 6, 7, 29 and 30 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Bigari in view of Official Notice.

The Examiner has rejected claims 6, 7, 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over Bigari in view of Official Notice. Paper No. 9, page 4.

Appellants respectfully assert that Bigari and Deaton et al. (hereinafter "Deaton"), taken singly or in combination, do not teach or suggest "wherein if the payment card is a customer loyalty card, determining a preapproval amount that is based on an actual purchase history for the customer" as recited in claim 6 and similarly in claim 29. Appellants further assert that Bigari and Deaton, taken singly or in combination, do not teach or suggest "wherein if the payment card is a credit or debit card, determining a preapproval amount that is based on an average customer purchase amount for credit and debit transactions on a store wide basis" as recited in claim 7 and similarly in claim 30. The Examiner states:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bigari with the alternative steps of determining preapproval amounts as is well known in the art, because using historical data provides an accurate estimate of the required preapproval amount, wherein reducing the chance of requesting time consuming reauthorizations. U.S. Patent No. 6,611,811 (Deaton et al.) is relied upon as factual evidence that it [sic] was old and well known at the time of the invention to utilize historical data to determine credit approval (as an example, see column 73). Paper No. 9, page 4.

Appellants respectfully point out that the Examiner must submit objective evidence when modifying Bigari with Deaton to determine a preapproval amount that is based on an actual purchase history for the customer if the payment card is a customer loyalty card. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). The Examiner has not submitted any evidence for modifying Bigari to determine a preapproval amount that is based on an actual purchase history for the customer if the payment card is a customer loyalty card. Consequently, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 6 and 29.

Furthermore, Appellants respectfully point out that the Examiner must submit objective evidence when modifying Bigari with Deaton to determine a preapproval amount that is based on an average customer purchase amount for credit and debit transactions on a store wide basis if the payment card is a credit or debit card. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). The Examiner has not submitted any evidence for modifying Bigari to determine a preapproval amount that is based on an average customer purchase amount for credit and debit transactions on a store wide basis if the payment card is a credit or debit card. Consequently, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 7 and 30.

Furthermore, Bigari teaches processing charge vouchers against charge card accounts administered by a host institution that issues an approval/disapproval to a merchant for a proposed transaction. Abstract.

Deaton, on the other hand, teaches a method for customer promotion which includes sequentially processing each of a plurality of items in a customer order. Abstract. Deaton further teaches that the price of each item is accumulated after processing. Abstract. Deaton further teaches that a marginal discount associated with each item processed is generated. Abstract. Deaton further teaches that this marginal discount is generated in response to a signal that indicates the accumulated price exceeds a predetermined threshold. Abstract. Deaton further teaches that a discount is applied to the customer order in response to a signal that is generated that indicates the accumulated discounts exceeds a predetermined minimum. Abstract.

The Examiner must submit objective evidence in support of combining a reference (Bigari) which teaches processing charge vouchers against charge card accounts administered by a host institution that issues an approval/disapproval to a merchant for a proposed transaction with a reference (Deaton) which teaches applying a discount to a customer order in response to a signal that is generated that indicates that the accumulated discounts exceeds a predetermined minimum. *In re*

Lee, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). There is no suggestion in Bigari of having a customer order. Neither is there any suggestion in Bigari of applying a discount to a customer order. Neither is there any suggestion in Bigari of applying a discount to a customer order in response to a signal that is generated that indicates that the accumulated discounts exceeds a predetermined minimum. Since the Examiner has not submitted objective evidence for modifying Bigari with Deaton, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 6 and 29. *Id.*

Furthermore, Appellants traverse the assertion that Deaton teaches determining a preapproval amount that is based on an actual purchase history for the customer if the payment card is a customer loyalty card. Appellants further traverse the assertion that Deaton teaches determining a preapproval amount that is based on an average customer purchase amount for credit and debit transactions on a store wide basis if the payment card is a credit or debit card. Instead, Deaton teaches a database storage of a customer's past shopping history. Column 73, lines 45-46. While Deaton teaches storing a customer's past shopping history, there is no language in Deaton of determining a preapproval amount based on a customer's purchase history. Neither is there language in Deaton of determining a preapproval amount based on a customer's purchase history if a payment card is a customer loyalty card. Further, while Deaton teaches storing a customer's past shopping history, there is no language in Deaton of determining a preapproval amount based on an average customer purchase amount for credit and debit transactions on a store wide basis. Neither is there language in Deaton of determining a preapproval amount based on an average customer purchase amount for credit and debit transactions on a store wide basis if the payment card is a credit or debit card. Therefore, the Examiner has not presented a *prima facie* case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

As a result of the foregoing, Appellants respectfully assert that the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 13, 14, 35 and 36 in view of the cited prior art. M.P.E.P. §2143.

C. Claims 15-23 and 37-45 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Bigari in view of Trotta, Jr.

1. Bigari and Trotta, Jr., taken singly or in combination, do not teach or suggest the following claim limitations.

Appellants respectfully assert that Bigari and Trotta, Jr., taken singly or in combination, do not teach or suggest "displaying on the customer checkout accelerator a selection of special promotional merchandise that can be added to the sales transaction, wherein some or all of the promotional merchandise can be made available through a hyperlink to one or more Internet web sites" as recited in claim 15 and similarly in claim 37. The Examiner cites column 7, lines 9-20 of Trotta, Jr. as teaching the above-cited claim limitation. Paper No. 9, page 4. Appellants respectfully traverse and assert that Trotta, Jr. instead teaches that advertisements may be displayed on a scanner. However, there is no language in Trotta, Jr. of displaying merchandise that can be added to a sales transaction. Further, Appellants have performed a search of the terms "web", "Internet" in Trotta, Jr. and were unable to identify the terms "web" or "Internet" or any variation thereof. Hence, Trotta, Jr. does not teach displaying promotional merchandise that can be made available through a hyperlink to one or more Internet web sites. Therefore, the Examiner has not presented a *prima facie* case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellants further assert that Bigari and Trotta, Jr., taken singly or in combination, do not teach or suggest "creating a record of any additional items added to the sales transaction; appending the additional items record to a preapproval

database entry for the sales transaction" as recited in claim 16 and similarly in claims 21, 38 and 43. The Examiner does not cite any passage in either Bigari or Trotta, Jr. as teaching the above-cited claim limitation. Upon review of both references, Appellants assert that neither reference teaches or suggests the above-cited claim limitation. The Examiner is reminded that the Examiner bears the initial burden and must submit objective evidence and not rely on his own subjective opinion in support of a *prima facie* case of obviousness. *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992). Since the Examiner has not provided any evidence that Bigari and Trotta, Jr., taken singly or in combination, teach or suggest the above-cited claim limitation, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 16, 21, 38 and 43. M.P.E.P. §2143.

Appellants further assert that Bigari and Trotta, Jr., taken singly or in combination, do not teach or suggest "the act of reading the additional items record into a sales transaction record at a point of sale terminal" as recited in claim 17 and similarly in claims 22, 39 and 44. The Examiner does not cite any passage in either Bigari or Trotta, Jr. as teaching the above-cited claim limitation. Upon review of both references, Appellants assert that neither reference teaches or suggests the above-cited claim limitation. The Examiner is reminded that the Examiner bears the initial burden and must submit objective evidence and not rely on his own subjective opinion in support of a *prima facie* case of obviousness. *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992). Since the Examiner has not provided any evidence that Bigari and Trotta, Jr., taken singly or in combination, teach or suggest the above-cited claim limitation, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 17, 22, 39 and 44. M.P.E.P. §2143.

Appellants further assert that Bigari and Trotta, Jr., taken singly or in combination, do not teach or suggest "updating a vendor-based tracking database to bill the vendor for displaying a vendor advertisement on the customer checkout

accelerator when the approval from the external card services system is approved" as recited in claim 18 and similarly in claim 40. The Examiner cites column 7, lines 5-9 of Trotta, Jr. as teaching the above-cited claim limitation. Paper No. 9, page 5. Appellants respectfully traverse and assert that Trotta, Jr. instead teaches following the customers' spending habits from week to week where this information can be sold to manufacturers. Trotta, Jr. further teaches that retail stores could sell advertising space on the scanner display to the manufacturers. However, there is no language in Trotta, Jr. of updating such marketing data to bill the vendor for displaying an advertisement when the approval from an external card services system is received. Therefore, the Examiner has not presented a *prima facie* case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellants further assert that Bigari and Trotta, Jr., taken singly or in combination, do not teach or suggest "configuring a selection of additional categories of items to be displayed on the customer checkout accelerator based on customer preferences wherein some or all of the categories of items can be made available through a hyperlink to one or more Internet web sites; and storing the category selections in a customer loyalty database that is maintained by the retail store" as recited in claim 19 and similarly in claim 41. The Examiner cites column 7, lines 3-5 of Trotta, Jr. as teaching the above-cited claim limitation. Paper No. 9, page 5. Appellants respectfully traverse and assert that Trotta, Jr. instead teaches following the customers' spending habits from week to week. However, this language is not the same as configuring a selection of categories to be displayed. Neither is this language the same as configuring a selection of categories to be displayed based on customer preferences. Further, as stated above, Appellants have performed a search of the terms "web", "Internet" in Trotta, Jr. and were unable to identify the terms "web" or "Internet" or any variation thereof. Hence, Trotta, Jr. does not teach configuring a selection of categories to be displayed based on customer preferences where some or

all of the categories of items can be made available through a hyperlink to one or more Internet web sites. Therefore, the Examiner has not presented a *prima facie* case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellants further assert that Bigari and Trotta, Jr., taken singly or in combination, do not teach or suggest "displaying on the customer checkout accelerator a selection of special promotional merchandise in the customer selected categories that can be added to the sales transaction wherein some or all of the promotional merchandise can be made available through a hyperlink to one or more Internet web sites" as recited in claim 20 and similarly in claim 42. The Examiner cites column 7, lines 9-20 of Trotta, Jr. as teaching the above-cited claim limitation. Paper No. 9, page 4. Appellants respectfully traverse and assert that Trotta, Jr. instead teaches that advertisements may be displayed on a scanner. However, there is no language in Trotta, Jr. of displaying a selection of special promotional merchandise. Neither is there any language in Trotta, Jr. of displaying a selection of special promotional merchandise that can be added to the sales transaction. Further, as stated above, Appellants have performed a search of the terms "web", "Internet" in Trotta, Jr. and were unable to identify the terms "web" or "Internet" or any variation thereof. Hence, Trotta, Jr. does not teach displaying a selection of special promotional merchandise that can be added to the sales transaction where some or all of the promotional merchandise can be made available through a hyperlink to one or more Internet web sites. Therefore, the Examiner has not presented a *prima facie* case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellants further assert that Bigari and Trotta, Jr., taken singly or in combination, do not teach or suggest "updating a vendor-based tracking database to bill the vendor for displaying on the customer checkout accelerator a vendor advertisement for merchandise that can be made available through a hyperlink to the

vendor's Internet web site when the approval from the external card services system is approved" as recited in claim 23 and similarly in claim 45. The Examiner cites column 7, lines 5-9 of Trotta, Jr. as teaching the above-cited claim limitation. Paper No. 9, page 5. Appellants respectfully traverse and assert that Trotta, Jr. instead teaches following the customers' spending habits from week to week where this information can be sold to manufacturers. Trotta, Jr. further teaches that retail stores could sell advertising space on the scanner display to the manufacturers. However, there is no language in Trotta, Jr. of updating such marketing data to bill the vendor for displaying an advertisement when the approval from an external card services system is received. Further, as stated above, Appellants have performed a search of the terms "web", "Internet" in Trotta, Jr. and were unable to identify the terms "web" or "Internet" or any variation thereof. Hence, Trotta, Jr. does not teach updating a vendor-based tracking database to bill the vendor for displaying a vendor advertisement for merchandise that can be made available through a hyperlink to the vendor's Internet web site when the approval from the external card services system is approved.

2. The Examiner has not presented any objective evidence for combining Bigari with Trotta, Jr.

A *prima facie* showing of obviousness requires the Examiner to establish, *inter alia*, that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention, and the Examiner must provide a motivation or suggestion to combine or modify the prior art reference to make the claimed inventions. M.P.E.P. §2142. The showings must be clear and particular and supported by objective evidence. *In re Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433-34 (Fed. Cir. 2002); *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000); *In re Dembiczak*, 50 U.S.P.Q.2d. 1614,

1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

The Examiner's motivation for modifying Bigari with Trotta, Jr. (1) to display on the customer checkout accelerator a selection of special promotional merchandise that can be added to the sales transaction, wherein some or all of the promotional merchandise can be made available through a hyperlink to one or more Internet web sites, as recited in claim 15 and similarly in claim 37; (2) to update a vendor-based tracking database to bill the vendor for displaying a vendor advertisement on the customer checkout accelerator when the approval from the external card services system is approved, as recited in claim 18 and similarly in claim 40; (3) to update a vendor-based tracking database to bill the vendor for displaying on the customer check accelerator a vendor advertisement for merchandise that can be made available through a hyperlink to the vendor's Internet web site when the approval from the external card services system is approved, as recited in claim 23 and similarly in claim 45; (4) to configure a selection of additional categories of items to be displayed on the customer checkout accelerator based on customer preferences wherein some or all of the categories of items can be made available through a hyperlink to one or more Internet web sites and to store the category selections in a customer loyalty database that is maintained by the retail store, as recited in claim 19 and similarly in claim 41; and (5) to display on the customer checkout accelerator a selection of special promotional merchandise in the customer selected categories that can be added to the sales transaction wherein some or all of the promotional merchandise can be made available through a hyperlink to one or more Internet web sites, as recited in claim 20 and similarly in claim 42 is "because the promotional displays valuable shopper specific marketing data which can be sold to manufacturers to subsidize the cost of the technology (see column 7, lines 4-6)." Paper No. 9, pages 5 and 9. This motivation is insufficient to support a *prima facie* case of obviousness since it is merely the Examiner's subjective opinion.

Bigari teaches processing charge vouchers against charge card accounts administered by a host institution that issues an approval/disapproval to a merchant for a proposed transaction. Abstract.

Trotta, Jr., on the other hand, teaches a system and method of automated shopping, including a portable bar code scanner for scanning bar code indicia information on items selected to be purchased, securing the scanner in a holder for limited access, and releasing the portable bar code scanner upon receiving an authorized payment card. Abstract.

The Examiner must submit objective evidence and not rely on his own subjective opinion in support of combining a reference (Bigari) which teaches processing charge vouchers against charge card accounts administered by a host institution that issues an approval/disapproval to a merchant for a proposed transaction with a reference (Trotta, Jr.) which teaches a system and method of automated shopping, including a portable bar code scanner for scanning bar code indicia information on items selected to be purchased, securing the scanner in a holder for limited access, and releasing the portable bar code scanner upon receiving an authorized payment card. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). There is no suggestion in Bigari of including a portable bar code scanner. Neither is there any suggestion in Bigari of including a portable bar code scanner for scanning bar code indicia information on items selected to be purchased. Neither is there any suggestion in Bigari for securing a scanner in a holder for limited access. Neither is there any suggestion in Bigari for releasing a portable bar code scanner upon receiving an authorized payment card. Since the Examiner has not submitted objective evidence for modifying Bigari with Trotta, Jr., the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 15-23 and 37-45. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Bigari to display on the customer

checkout accelerator a selection of special promotional merchandise that can be added to the sales transaction, wherein some or all of the promotional merchandise can be made available through a hyperlink to one or more Internet web sites. *Id.* There is no suggestion in Bigari of displaying a selection of special promotional merchandise. Neither is there any suggestion in Bigari of displaying a selection of special promotional merchandise that can be added to the sales transaction. Neither is there any suggestion in Bigari of displaying a selection of special promotional merchandise where some or all of the promotional merchandise can be made available through a hyperlink to one or more Internet web sites. Since the Examiner has not submitted objective evidence for modifying Bigari to display on the customer checkout accelerator a selection of special promotional merchandise that can be added to the sales transaction, wherein some or all of the promotional merchandise can be made available through a hyperlink to one or more Internet web sites, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 15 and 37. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Bigari to update a vendor-based tracking database to bill the vendor for displaying a vendor advertisement on the customer checkout accelerator when the approval from the external card services system is approved. *Id.* There is no suggestion in Bigari of having a vendor-based tracking database. Neither is there any suggestion in Bigari of updating a vendor-based tracking database. Neither is there any suggestion in Bigari of updating a vendor-based tracking database to bill the vendor for displaying a vendor advertisement on the customer checkout accelerator when the approval from the external card services system is approved. Since the Examiner has not submitted objective evidence for modifying Bigari to update a vendor-based tracking database to bill the vendor for displaying a vendor advertisement on the customer checkout accelerator when the

approval from the external card services system is approved, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 18 and 40. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Bigari to update a vendor-based tracking database to bill the vendor for displaying on the customer check accelerator a vendor advertisement for merchandise that can be made available through a hyperlink to the vendor's Internet web site when the approval from the external card services system is approved. *Id.* There is no suggestion in Bigari of having a vendor-based tracking database. Neither is there any suggestion in Bigari of updating a vendor-based tracking database. Neither is there any suggestion in Bigari of updating a vendor-based tracking database to bill the vendor for displaying on the customer check accelerator a vendor advertisement for merchandise that can be made available through a hyperlink to the vendor's Internet web site when the approval from the external card services system is approved. Since the Examiner has not submitted objective evidence for modifying Bigari to update a vendor-based tracking database to bill the vendor for displaying on the customer check accelerator a vendor advertisement for merchandise that can be made available through a hyperlink to the vendor's Internet web site when the approval from the external card services system is approved, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 23 and 45. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Bigari to configure a selection of additional categories of items to be displayed on the customer checkout accelerator based on customer preferences wherein some or all of the categories of items can be made available through a hyperlink to one or more Internet web sites and to store the category selections in a customer loyalty database that is maintained by the retail store. *Id.* There is no suggestion in Bigari of configuring a selection of categories of items to be displayed. Neither is there any suggestion in Bigari of configuring a

selection of categories of items to be displayed based on customer preferences. Neither is there any suggestion in Bigari of configuring a selection of categories of items to be displayed based on customer preferences where some or all of the categories of items can be made available through a hyperlink to one or more Internet web sites and to store the category selections in a customer loyalty database that is maintained by the retail store. Since the Examiner has not submitted objective evidence for modifying Bigari to configure a selection of additional categories of items to be displayed on the customer checkout accelerator based on customer preferences wherein some or all of the categories of items can be made available through a hyperlink to one or more Internet web sites and to store the category selections in a customer loyalty database that is maintained by the retail store, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 19 and 41. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Bigari to display on the customer checkout accelerator a selection of special promotional merchandise in the customer selected categories that can be added to the sales transaction wherein some or all of the promotional merchandise can be made available through a hyperlink to one or more Internet web sites. *Id.* There is no suggestion in Bigari of displaying a selection of special promotional merchandise. Neither is there any suggestion in Bigari of displaying a selection of special promotional merchandise that can be added to the sales transaction. Neither is there any suggestion in Bigari of displaying a selection of special promotional merchandise that can be added to the sales transaction where some or all of the promotional merchandise can be made available through a hyperlink to one or more Internet web sites. Since the Examiner has not submitted objective evidence for modifying Bigari to display on the customer checkout accelerator a selection of special promotional merchandise in the customer selected categories that can be added to the sales transaction wherein some or all of the

promotional merchandise can be made available through a hyperlink to one or more Internet web sites, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 20 and 42. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Bigari because the promotional displays valuable shopper specific marketing data which can be sold to manufacturers to subsidize the cost of the technology (Examiner's motivation). *Id.* The Examiner's motivation appears to have been gleaned from the secondary reference (Trotta, Jr.). This is not evidence as to why one of ordinary skill in the art with the primary reference (Bigari) in front of him would have been motivated to modify the primary reference (Bigari) with the teachings of the secondary reference (Trotta, Jr.). The Examiner's motivation is a motivation for the secondary reference (Trotta, Jr.) to solve its problem. This is not a suggestion to combine the primary reference (Bigari) with the secondary reference (Trotta, Jr.). The primary reference (Bigari) teaches processing charge vouchers against charge card accounts administered by a host institution that issues an approval/disapproval to a merchant for a proposed transaction. The Examiner must provide evidence as to why one of ordinary skill in the art with the primary reference (Bigari) in front of him, which teaches processing charge vouchers against charge card accounts administered by a host institution that issues an approval/disapproval to a merchant for a proposed transaction, would have been motivated to modify the primary reference (Bigari) with the teachings of the secondary reference (Trotta, Jr.), which teaches a system and method of automated shopping, including a portable bar code scanner for scanning bar code indicia information on items selected to be purchased, securing the scanner in a holder for limited access, and releasing the portable bar code scanner upon receiving an authorized payment card. *See In re Lee*, 61 U.S.P.Q.2d 1430, 1433-1434 (Fed. Cir. 2002); *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1318 (Fed. Cir. 2000) Merely stating what the secondary reference teaches is not evidence for combining a primary reference

(Bigari) with the secondary reference (Trotta, Jr.). *See Id.* Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness for rejecting claims 15-23 and 37-45 since it is merely the Examiner's subjective opinion. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

As a result of the foregoing, Appellants respectfully assert that the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 15-23 and 37-45 in view of the cited prior art. M.P.E.P. §2143.

IX. CONCLUSION

For the reasons noted above, the rejections of claims 1-8, 11, 15-30, 33 and 37-45 are in error. Appellants respectfully request reversal of the rejections and allowance of claims 1-45.

Respectfully submitted,

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APPENDIX

1 1. A method for accelerating sales transactions of customers in a retail store,
2 comprising the acts of:

3 reading a customer payment card number at a customer checkout accelerator;
4 determining a preapproval amount for the sales transaction;
5 displaying the preapproval sales transaction amount to the customer on the
6 customer checkout accelerator for acceptance;
7 transmitting the preapproval amount to an external card services system for
8 approval; and
9 storing the approval amount in a preapproval cache at a point of sales terminal
10 for use in completing the sales transaction.

1 2. The method for accelerating the sales transactions of customers in a retail
2 store of claim 1 further comprising the act of transmitting the preapproval amount
3 from the customer checkout accelerator to a store controller.

1 3. The method for accelerating the sales transactions of customers in a retail
2 store of claim 2 further comprising placing an entry in a preapproval database if the
3 external card services system approves the transaction amount.

1 4. The method for accelerating the sales transactions of customers in a retail
2 store of claim 3 further comprising notifying a point of sales terminal of the approval
3 amount.

1 5. The method for accelerating the sales transactions of customers in a retail
2 store of claim 1 further comprising the act of determining if the payment card is one
3 or more of a credit card, a debit card, a customer loyalty card, an electronic/Internet
4 wallet, or an electronic gift certificate.

1 6. The method for accelerating the sales transactions of customers in a retail
2 store of claim 5 wherein if the payment card is a customer loyalty card, determining a
3 preapproval amount that is based on an actual purchase history for the customer.

1 7. The method for accelerating the sales transactions of customers in a retail
2 store of claim 5 wherein if the payment card is a credit or debit card, determining a
3 preapproval amount that is based on an average customer purchase amount for credit
4 and debit transactions on a store wide basis.

1 8. The method for accelerating the sales transactions of customers in a retail
2 store of claim 1 further comprising the act of manually entering a specific
3 preapproval amount by the customer.

1 9. A method for accelerating sales transactions of customers in a retail store,
2 comprising the acts of:

3 reading a customer payment card number at a customer checkout accelerator;
4 determining a preapproval amount for the sales transaction;
5 displaying the preapproval sales transaction amount to the customer on the
6 customer checkout accelerator for acceptance;
7 transmitting the preapproval amount to an external card services system for
8 approval;
9 storing the approval amount in a preapproval cache at a point of sales terminal
10 for use in completing the sales transaction;
11 scanning the customer payment card at a point of sales terminal;
12 determining if there is an entry for the customer in the preapproval cache; and
13 resuming the sales transaction at the point of sale terminal.

1 10. The method for accelerating the sales transactions of customers in a retail
2 store of claim 9 wherein the act of resuming the sales transaction comprises the acts
3 of:

4 comparing the actual sales transaction amount with the preapproval amount;

5 updating a preapproval database with the actual sales transaction amount; and
6 releasing the difference between the preapproval amount and the actual sales
7 transaction amount in the preapproval database.

1 11. The method for accelerating the sales transactions of customers in a retail
2 store of claim 1 further comprising the act of printing a sales transaction receipt and a
3 credit or debit voucher.

1 12. The method for accelerating the sales transactions of customers in a retail
2 store of claim 9 wherein if there is no entry for the customer in the preapproval cache,
3 retrieving the preapproval amount from a preapproval database on a store controller
4 file server.

1 13. The method for accelerating the sales transactions of customers in a retail
2 store of claim 10 wherein the act of resuming the sales transaction includes the acts
3 of:

4 scanning the items selected by the customer for purchase during the sales
5 transaction;

6 determining a subtotal purchase amount after each item is scanned;

7 determining if the subtotal amount exceeds the preapproval amount; and

8 dynamically requesting an additional amount for approval during the sales
9 transaction, if the subtotal amount exceeds the preapproval amount.

1 14. The method for accelerating the sales transactions of customers in a retail
2 store of claim 13 further comprising the acts of:

3 transmitting an additional preapproval amount from the external card services
4 system;

5 updating the preapproval cache with the additional preapproval amount if
6 approved; and

7 notifying the operator of the point of sale terminal if the additional
8 preapproval amount is denied.

1 15. The method for accelerating the sales transactions of customers in a retail
2 store of claim 1 further comprising the act of displaying on the customer checkout
3 accelerator a selection of special promotional merchandise that can be added to the
4 sales transaction, wherein some or all of the promotional merchandise can be made
5 available through a hyperlink to one or more Internet web sites.

1 16. The method for accelerating the sales transactions of customers in a retail
2 store of claim 15 further comprising the acts of:
3 creating a record of any additional items added to the sales transaction;
4 appending the additional items record to a preapproval database entry for the
5 sales transaction.

1 17. The method for accelerating the sales transactions of customers in a retail
2 store of claim 16 further comprising the act of reading the additional items record into
3 a sales transaction record at a point of sale terminal.

1 18. The method for accelerating the sales transactions of customers in a retail
2 store of claim 17 further comprising the acts of updating a vendor-based tracking
3 database to bill the vendor for displaying a vendor advertisement on the customer
4 checkout accelerator when the approval from the external card services system is
5 approved.

1 19. The method for accelerating the sales transactions of customers in a retail
2 store of claim 1 further comprising the acts of:
3 configuring a selection of additional categories of items to be displayed on the
4 customer checkout accelerator based on customer preferences wherein some or all of
5 the categories of items can be made available through a hyperlink to one or more
6 Internet web sites; and
7 storing the category selections in a customer loyalty database that is
8 maintained by the retail store.

1 20. The method for accelerating the sales transactions of customers in a retail
2 store of claim 19 further comprising the act of displaying on the customer checkout
3 accelerator a selection of special promotional merchandise in the customer selected
4 categories that can be added to the sales transaction wherein some or all of the
5 promotional merchandise can be made available through a hyperlink to one or more
6 Internet web sites.

1 21. The method for accelerating the sales transactions of customers in a retail
2 store of claim 20 further comprising the acts of:
3 creating a record of any additional items added to the sales transaction;
4 appending the additional items record to a preapproval database entry for the
5 sales transaction.

1 22. The method for accelerating the sales transactions of customers in a retail
2 store of claim 21 further comprising the act of reading the additional items record into
3 a sales transaction record at a point of sale terminal.

1 23. The method for accelerating the sales transactions of customers in a retail
2 store of claim 22 further comprising the acts of updating a vendor-based tracking
3 database to bill the vendor for displaying on the customer checkout accelerator a
4 vendor advertisement for merchandise that can be made available through a hyperlink
5 to the vendor's Internet web site when the approval from the external card services
6 system is approved.

1 24. A computer readable medium containing a computer program product for
2 accelerating sales transactions of customers in a retail store, comprising:
3 program instructions that read a customer payment card number at a customer
4 checkout accelerator;
5 program instructions that determine a preapproval amount for the sales
6 transaction;

7 program instructions that display the preapproval sales transaction amount to
8 the customer on the customer checkout accelerator for acceptance;

9 program instructions that transmit the preapproval amount to an external card
10 services system for approval; and

11 program instructions that store the approval amount in a preapproval cache at
12 a point of sales terminal for use in completing the sales transaction.

1 25. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 24 further comprising program instructions that
3 transmit the preapproval amount from the customer checkout accelerator to a store
4 controller.

1 26. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 25 further comprising program instructions that
3 place an entry in a preapproval database if the external card services system approves
4 the transaction amount.

1 27. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 26 further comprising program instructions that
3 notify a point of sales terminal of the approval amount.

1 28. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 27 further comprising program instructions that
3 determine if the payment card is one or more of a credit card, a debit card, a customer
4 loyalty card, an electronic/Internet wallet or an electronic gift certificate.

1 29. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 28 further comprising program instructions that
3 determine a preapproval amount that is based on an actual purchase history for the
4 customer if the payment card is a customer loyalty card.

1 30. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 28, further comprising program instructions that
3 determine a preapproval amount that is based on an average customer purchase
4 amount for credit and debit transactions on a store wide basis if the payment card is a
5 credit or debit card.

1 31. A computer readable medium containing a computer program product for
2 accelerating sales transactions of customers in a retail store, comprising:

3 program instructions that read a customer payment card number at a customer
4 checkout accelerator;

5 program instructions that determine a preapproval amount for the sales
6 transaction;

7 program instructions that display the preapproval sales transaction amount to
8 the customer on the customer checkout accelerator for acceptance;

9 program instructions that transmit the preapproval amount to an external card
10 services system for approval;

11 program instructions that store the approval amount in a preapproval cache at
12 a point of sales terminal for use in completing the sales transaction;

13 program instructions that scan the customer payment card at a point of sales
14 terminal;

15 program instructions that determine if there is an entry for the customer in the
16 preapproval cache; and

17 program instructions that resume the sales transaction at the point of sale
18 terminal.

1 32. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 31 wherein the program instructions that resume
3 the sales transaction comprise:

4 program instructions that compare the actual sales transaction amount with the
5 preapproval amount;

6 program instructions that update a preapproval database with the actual sales
7 transaction amount; and

8 program instructions that release the difference between the preapproval
9 amount and the actual sales transaction amount in the preapproval database.

1 33. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 24 further comprising program instructions that
3 print a sales transaction receipt and a credit or debit voucher.

1 34. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 31, further comprising program instructions that
3 retrieve the preapproval amount from a preapproval database on a store controller file
4 server if there is no entry for the customer in the preapproval cache.

1 35. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 32 wherein the program instructions that resume
3 the sales transaction further include:

4 program instructions that scan the items selected by the customer for purchase
5 during the sales transaction;

6 program instructions that determine a subtotal purchase amount after each
7 item is scanned;

8 program instructions that determine if the subtotal amount exceeds the
9 preapproval amount; and

10 program instructions that dynamically request an additional amount for
11 approval during the sales transaction, if the subtotal amount exceeds the preapproval
12 amount.

1 36. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 35 further comprising:

3 program instructions that transmit an additional preapproval amount from the
4 external card services system;

5 program instructions that update the preapproval cache with the additional
6 preapproval amount if approved; and

7 program instructions that notify the operator of the point of sale terminal if the
8 additional preapproval amount is denied.

1 37. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 24 further comprising program instructions that
3 display on the customer checkout accelerator a selection of special promotional
4 merchandise that can be added to the sales transaction, wherein some or all of the
5 promotional merchandise can be made available through a hyperlink to one or more
6 Internet web sites.

1 38. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 37 further comprising:

3 program instructions that create a record of any additional items added to the
4 sales transaction;

5 program instructions that append the additional items record to a preapproval
6 database entry for the sales transaction.

1 39. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 38 further comprising program instructions that
3 read the additional items record into a sales transaction record at a point of sale
4 terminal.

1 40. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 39 further comprising program instructions that
3 update a vendor-based tracking database to bill the vendor for displaying a vendor
4 advertisement on the customer checkout accelerator for merchandise that can be made
5 available through a hyperlink to the vendor's Internet web site when the approval
6 from the external card services system is approved.

1 41. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 24 further comprising:

3 program instructions that configure a selection of additional categories
4 of items to be displayed on the customer checkout accelerator based on customer
5 preferences, wherein some or all of the categories of items can be made available
6 through a hyperlink to one or more Internet web sites; and

7 program instructions that store the category selections in a customer
8 loyalty database that is maintained by the retail store.

1 42. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 41 further comprising program instructions that
3 display on the customer checkout accelerator a selection of special promotional
4 merchandise in the customer selected categories that can be added to the sales
5 transaction, wherein some or all of the promotional merchandise can be made
6 available through a hyperlink to one or more Internet web sites.

1 43. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 42 further comprising:

3 program instructions that create a record of any additional items added
4 to the sales transaction;

5 program instructions that append the additional items record to a
6 preapproval database entry for the sales transaction.

1 44. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 43 further comprising program instructions that
3 read the additional items record into a sales transaction record at a point of sale
4 terminal.

1 45. The computer program product for accelerating the sales transactions of
2 customers in a retail store of claim 44 further comprising program instructions that
3 update a vendor-based tracking database to bill the vendor for displaying on the
4 customer checkout accelerator a vendor advertisement for merchandise that can be

5 made available through a hyperlink to the vendor's web site when the approval from
6 the external card services system is approved.

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